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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 RAY ASKINS and CHRISTIAN  
12 RAMIREZ,  
13 Plaintiffs,  
14 v.  
15 UNITED STATES DEPARTMENT OF  
16 HOMELAND SECURITY, *et al.*,  
17 Defendants.  
18  
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Case No.: 3:12-cv-2600-AHG

**ORDER ON JOINT MOTION RE  
DEFENDANTS' COMPLIANCE  
WITH SETTLEMENT RE  
DISSEMINATION OF WRITTEN  
INSTRUCTION**

**[ECF No. 204]**

20 On January 5, 2021, the parties filed a joint motion asking the Court to review certain  
21 documents *in camera* to determine Defendants' compliance with paragraphs 4 and 5 of  
22 their Settlement, which require Defendants to disseminate a Written Instruction to  
23 employees and others following the Settlement. ECF No. 203. Paragraph 4 of the  
24 Settlement provides, in relevant part:

25 DHS Defendants shall provide a written instruction ("Written Instruction") to  
26 all personnel, employees, agents, contractors, officers, or any other persons  
27 acting under the control of, or on behalf of, DHS Defendants operating at any  
28 land port of entry stating that, consistent with the terms of this Stipulated  
Settlement, they shall not prevent, impede, or otherwise interfere with the

1 First Amendment rights of members of the public to make and retain  
 2 photographs, video recordings, or other recordings of matters or events from  
 3 a Publicly Accessible Area at any land port of entry in the United States. The  
 4 text of the Written Instruction must be consistent with the terms of the  
 Stipulated Settlement, ....

5 ECF No. 197 ¶ 4. Paragraph 5 of the Settlement provides that the DHS Defendants must  
 6 disseminate the Written Instruction “three times: (1) within ten (10) business days of  
 7 dismissal of this case; (2) within ninety (90) days of dismissal of this case; and (3) one year  
 8 after the first dissemination.” *Id.* ¶ 5. The DHS Defendants must provide Plaintiffs a copy  
 9 of the Written Instruction that they disseminated as well as a certification “that confirms  
 10 the date and manner in which the Written Instruction was disseminated.” *Id.*

11 Following the first and second disseminations of the Written Instruction, Defendants  
 12 provided Plaintiffs a copy of the Written Instruction that they disseminated and a  
 13 certification as to the manner of dissemination. A dispute arose, however, as to whether  
 14 Defendants are also required to provide a copy of any cover emails that accompanied the  
 15 Written Instruction. The Court held an informal conference with the parties on this issue  
 16 on December 14, 2020. ECF No. 201. Following that conference, the parties submitted the  
 17 Joint Motion that is currently pending. ECF No. 203. The Court granted that Joint Motion  
 18 and agreed to review certain documents *in camera* to confirm Defendants’ compliance with  
 19 the terms of the Settlement. ECF No. 204.

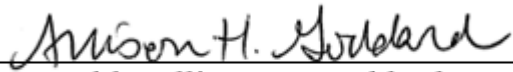
20 On January 7, 2021, Defendants lodged the following information for the Court’s *in*  
 21 *camera* review: (1) the cover email and Written Instruction circulated by CBP for its first  
 22 dissemination; (2) the cover email and Written Instruction circulated by FPS for its first  
 23 dissemination; (3) the first certification Defendants provided to Plaintiffs; (4) the cover  
 24 email and Written Instruction circulated by CBP for its second dissemination; (5) the cover  
 25 email and Written Instruction circulated by FPS for its second dissemination; and (6) the  
 26 second certification Defendants provided to Plaintiffs.

27 The Court has reviewed the documents submitted by Defendants for *in camera*  
 28 review. The Court confirms that the documents, including the cover emails, are consistent

1 with the Written Instruction and the parties' Settlement. The Court finds that Defendants  
2 are in compliance with the Settlement with respect to the first and second dissemination of  
3 the Written Instruction.

4 **IT IS SO ORDERED.**

5 Dated: January 19, 2021

6   
7 Honorable Allison H. Goddard  
8 United States Magistrate Judge  
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